

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEVEN R. OGG,

Plaintiff,

vs.

**Case No.: 2:14-cv-987
JUDGE GEORGE C. SMITH
Magistrate Judge Kemp**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On July 16, 2015, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's State of Errors be overruled and that final judgment be entered in favor of the Defendant, the Commissioner of Social Security. (*See Report and Recommendation*, Doc. 19). This matter is now before the Court on Plaintiff Steven Ogg's Objections to the Magistrate Judge's *Report and Recommendation*. (Doc. 20). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff's objections consist of reincorporating the arguments he raised in his statement of errors and he specifically objects to the Magistrate Judge's conclusion that the Commission properly evaluated the credibility of Plaintiff's allegations of disabling symptoms arising from his severe impairments. (Pl.'s Objs. at 1). He asserts that both the ALJ and the Magistrate Judge improperly equate the demands of full time, competitive work with routine daily activities, performed at Plaintiff's own pace. Plaintiff argues that comparing daily functions to typical work activities is not proper.

The Court has carefully considered this objection and the Report and Recommendation also analyzed this argument. The Magistrate Judge found that “despite some ambiguity in the ALJ’s decision, the ALJ did not make a decision that Plaintiff could do light work based solely on activities of daily living that may not equate to light work activity on a sustained basis, and that the ALJ did not err in the way he considered discrepancies between Plaintiff’s activities of daily living and his testimony concerning disabling symptoms.” (*Report and Recommendation* at 12, Doc. 19).

The Magistrate Judge considered a number of other things in ultimately reaching his conclusion, including Plaintiff’s own testimony that he advertised himself as able to perform lawn care services. Therefore, both the ALJ and the Magistrate Judge properly justified their findings and did not err in the consideration of Plaintiff’s daily functions. The Court has therefore carefully considered Plaintiff’s objections, and for the reasons stated in the *Report and Recommendation*, this Court finds that the objections are without merit.

Accordingly, the *Report and Recommendation*, Document 19, is **ADOPTED** and **AFFIRMED**. Plaintiff’s Objections are hereby **OVERRULED**. Plaintiff’s Statement of Errors are hereby **OVERRULED**, the decision of the Commissioner of Social Security is **AFFIRMED** and this case is **DISMISSED**.

The Clerk shall remove Documents 19 and 20 from the Court’s pending motions list, and enter final judgment in favor of Defendant, the Commissioner of Social Security.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT